

PLANNING BOARD MEETING

TIPP CITY, MIAMI COUNTY, OHIO February 10, 2009

Meeting

Chairman Mike McFarland called this meeting of the Tipp City Planning Board to order at 7:30 p.m.

Roll Call

Roll call showed the following Board members present: Mike McFarland, John Berbach, Joseph Gibson, Robert Horrocks, and Mark Springer.

Others in attendance: Mayor Tim Evans, Assistant City Manager/Economic Development Director Brad Vath and Board Secretary Marilyn Fennell. Those signing the register were Paul Lee, Marti & Red Newsome.

Approval of Minutes

January 13, 2009 Meeting

Mr. Springer **moved to approve the minutes of the January 13, 2009 Meeting as presented.** Mr. Horrocks seconded the motion. Motion passed 5-0.

Items not on the Agenda

There were no comments on items not on the agenda.

NEW BUSINESS
Deadline Dates

Chairman McFarland announced that the next regularly scheduled Planning Board meeting would be held Tuesday, March 10, 2009. Preliminary Plans, Final Plats and Site Plans must be submitted by 5:00 p.m. on February 17, 2009.

RE/MAX
Professionals,
121 W. Main St.-
request to waive
off-street parking
requirements.

Mr. Vath reported the applicant is proposing to locate a RE/MAX Professionals-Newsome Team office at 121 W. Main Street. This would be a principle permitted use in the CC/RA zoning district. The applicant is seeking to acquire the property at an upcoming Sheriff's Sale on March 11, 2009. It will also include the structure at 118 W. Walnut Street. Staff noted that Planning Board approved a Minor Subdivision of this tract on June 10, 2008, however that replat/lot split was never recorded at Miami County. The 121 W. Main St. property is zoned CC/RA and the 118 W. Walnut St. is zoned R-2.

Mr. Vath read Code Section §154.071(C) which states that additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use. The structure on W. Main St. was built circa 1890 and was residential use. Single family residential use shall provide 2 off-street parking spaces. The professional office use is based on the square footage and would require 29, (minus 2) for a total of 27 being required. The applicant has indicated that the current office personnel would consist of a 5 member team (4 realtors and 1 assistant). Potential client parking needed at any given time would be an additional 2 spaces.

Mr. Vath stated that Code §154.051(D) indicates that the number of required number of spaces shall be determined by the Planning Board on a case by case basis and the Planning Board may waive any and all such off-street parking and loading space requirements. He further noted that:

- That if the Planning Board approves the waiver of the off-street parking requirements for 121 W. Main Street the applicant will be required to obtain the required Change of Use Permit for the office use at 121 W. Main Street.
- All non-residential uses are prohibited at 118 W. Walnut Street, with the exception of a Home Occupation (requires separate permit and is approvable administratively).
- Staff notes that any exterior modifications and/or signage for the establishment at 121 W. Main Street would require approval from the Restoration Board along with an approved sign permit.

If the Planning Board wished to waive the parking requirements in accordance with Section §154.051(D) two motions are recommended:

1. That the Planning Board waive all off-street parking requirements for 121 W. Main Street only (not 118 W. Walnut Street), for the operation of REMAX Professionals.
2. That the Planning Board waive all off-street parking requirements for any future use of 121 W. Main Street only (not 118 W. Walnut Street), which will not increase the intensity or use of this property as noted in this staff report. This second motion is recommended so as to provide administrative relief to the Planning Board for uses which would not increase the current parking requirements delineated in this staff report, and to expedite Change of Use permits for possible future tenants.

Mr. McFarland asked why the lot split, previously approved, was not recorded. Mr. Vath said he could not speak for Mr. Huffman. Mrs. Newsome came forward and stated she was told that the lot split was requested to expedite sale of one or more of the properties and that the mortgagor would not permit such action. Mr. McFarland asked if the zoning was different for 118 W. Walnut. Mr. Vath said there were two different zonings. Mr. McFarland verified with Mrs. Newsome that they did not own the property at this time. She said that was correct, it is scheduled for Sheriff's sale. Options were discussed in case the purchase was not made by the Newsomes.

Mrs. Newsome asked for a clarification of the two motions proposed. Mr. McFarland said the off-street parking requirements would be waived for 121 W. Main St. only. Mrs. Newsome said she understood that part. The second motion would be for any future use by the owner of the property if it did not increase the use of the property. Mr. Horrocks asked if the Walnut Street property would be used as a rental. Mrs. Newsome said it has no bathroom or kitchen and would need to be renovated and then it could be leased or sold as a single-family unit. Mr. McFarland said at that point then the lot would need to be split. Mrs. Newsome agreed with that point. Mr. Berbach commented he thought it was a good use of the property.

It was discussed that both properties have 2-car garages and there is a small pad between the two residences. Mrs. Newsome said all of the agents are not typically in the office at the same time. The only constant employee is the paid assistant, 5 days a week, 9am-3pm. Mr. Springer asked if the alley was 2-way traffic. Mr. Vath said it is a 12' alley with 2-way traffic. Mr. Vath said a third motion could be considered to declare the first two motions null and void if the property is not

purchased by RE/MAX Professionals. Mr. Gibson said he just wanted to be sure that the Board members were comfortable with the contingency motion.

Mrs. Newsome asked if another party purchases the property, that they would need to come to the Planning Board for the same actions being requested. Mr. McFarland said that was correct, the use could be different.

Mr. Paul Lee came forward to address the Board. He asked if the house is converted to a business, how many businesses are permitted. Mr. Vath said fire code and building regulations would need to be complied with for any new uses. Mr. Lee was concerned with the residential property across the street that recently added 2 businesses to that block. He had concerns about the number of spaces that are available. He said the rules for parking in the CC District seem to be thrown by the wayside. He didn't think the garages could be considered for any off-street parking. Mr. Vath said he would look for that code section as there is a difference between R2 and CC/RA zoning rules. Mr. Lee felt that the property on W. Walnut behind should be torn down and a parking lot be put in. Mr. McFarland said a parking lot could not be placed in a residential zoning area. There would have to be a rezoning.

Mr. Berbach asked if Mr. Lee was wanting the Board to be more cautious when waiving off-street parking or was he interested in purchasing the property. Mr. Lee said he has two properties on the same block and he had to accommodate off-street parking for residential use which is less than a business use.

Mr. Horrocks said he appreciated Mr. Lee's comments. Mr. Gibson asked if Mr. Lee wanted the Board to deny the request. Mr. Lee said that would be up to the Board and it would be nice to see the property improved. Mr. Lee thought there were no requirements to improve parking in the CC District. Mr. Horrocks said they had worked with Coldwater Café in their recent renovation, adding landscaping, lighting and curbing. Mr. Springer said if one looks down the CC District, it would be much like asking Harrison's to purchase DJ's Pizza, tear it down, and put in a parking lot. The CC District is different from all other zoning districts and has been from the beginning.

Mr. Springer asked Mr. Vath if he had found if garages count in the code. Mr. Vath said that for residential use that a 2-car garage may count as 1 of the 2 required spaces.

Mrs. Newsome said it was not conceivable at this time to tear down a building. They can pull into the garages to park at this time. The parking pad is very small. Even if they were to demolish the Walnut St. property there is not space for 27 spaces.

There being no further discussion, Mr. McFarland **moved to waive all off-street parking requirements for 121 W. Main Street, only, for the operation of RE/MAX Professionals.** Mr. Horrocks seconded the motion. Motion passed 4-1. Ayes: McFarland, Horrocks, Berbach and Gibson Nays: Springer

Mr. McFarland **moved to waive all off-street parking**

Old Business
Miscellaneous
City Council
Reports:
Jan. 19, 2009-
Mr. McFarland

Feb. 2, 2009- Mr.
Berbach

Board member
comments
Adjournment

requirements for any future use of 121 W. Main Street only (not 118 W. Walnut St.) which will not increase the intensity or use of this property. This is to provide administrative relief for the Planning Board for uses which would not increase the current parking requirements delineated in the staff report and expedite Change of Use Permits for possible future tenants. Mr. Horrocks seconded the motion. Motion passed 5-0.

Mr. McFarland moved that Motion 1 and 2 be null and void if the property at 121 W. Main Street and 118 W. Walnut Street is not purchased by RE/MAX Professionals. Mr. Horrocks seconded the motion. Motion passed 5-0.

There was no Old Business to discuss.

Mr. McFarland reported that the ordinance to amend the zoning code and map from OS to I-1, for Inlots 3444 & 3445 located on S. County Rd. for the Koenig John Deere retail store, was adopted 6-0. There was also a first reading for the dedication of right-of-way along CR 25A from SR 571 north to Meijers.

Mr. Berbach reported that Ordinance 02-09 was approved 7-0 accepting the dedication of right-of-way along CR 25A.

There were no further comments by the Board members

There being no further business for discussion, Mr. Horrocks moved that the meeting be adjourned. Mr. Gibson seconded the motion. Chairman McFarland declared the meeting adjourned at 8:12 pm.

Michael McFarland, Planning Board Chairman

Attest: _____
Marilyn Fennell, Board Secretary